REMARKS

STATUS OF THE CLAIMS

Claims 1-18 are pending in the application.

Claims 1 and 2 are objected to as indicated in the Office Action.

Claims 1-7, 9, 12, 14, 17, and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by Deo et al. (U.S. 5,721,781).

Claim 13 was rejected under 35 U.S.C. 102(b) as being anticipated by LeBourgeois (U.S. 6,026,166).

Claims 8, 10, 11, 15 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Deo et al. (U.S. 5,721,781) in view of LeBourgeois (U.S. 6,026,166).

Claims 1, 3, 5-9, 11, and13-18 are amended, claims 2 and 4 are cancelled without disclaimer or prejudice, and, thus, claims 1, 3 and 5-18 remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this Amendment.

REJECTIONS

First, to overcome the claim objections, in independent claims 1, 14, 17 and 18, the recitation, "identification means or a plurality of identification levels" is replaced with "identification conditions including identification means ~~or a plurality of~~and identification levels." In other words, "identification means" and "identification levels" generally refer to "identification conditions." Therefore, the identification conditions can be identification means in an embodiment and identification levels in another embodiment. In addition, the phrase "or other information" is deleted from the expression "includes a digital signature ~~or other information~~" in dependent claim 2 now incorporated in independent claim 1. Support for the claim amendments can be found, for example, on page 9, lines 1-3; page 11, line 9 to page 14, line 6, and FIG. 1, functional blocks 11, 12, 13, 15 and 19.

Second, the patentably distinguishing features of dependent claims 2 and 4 are incorporated into claim 1.

2. Difference between the claimed present invention and Deo

In contrast to Deo and LeBourgeois, the claimed present invention as recited in independent claims 1, 14, 17 and 18, using claim 1 as an example, provides:

> 1. (Currently Amended) A personal identification terminal comprising:
>
> a plurality of identification conditions including identification means ~~or a plurality of~~ and identification levels that are selectable for use; and
>
> means for ***selecting one of the plural identification ~~means or one of the identification levels~~ conditions in accordance with identification ~~means/level~~ condition setting information that is received from a server every time when receiving a request for identification from the server,*** wherein the identification condition setting information includes ***a digital signature for detecting an alteration thereof;*** and
>
> means for ***sending to the server used condition information*** that indicates one of the identification conditions, which was ***used by the personal identification terminal for the identification, in a format enabling detection of an alteration thereof together with a result of the identification***.

The cited reference Deo discusses a smart card authentication system that verifies the user, smart card, application and terminal (Abstract, column 2, lines 55-57). Deo in column 10, line 41 to column 11, line 1+, which is relied upon by the Office Action in page 3, item 4, discusses setting identification means and levels in a similar manner as described in the section of Description of the Prior Art of the present specification (page 1, lines 16-27 of the present Application). In rejecting the independent claims 1, 14, 17 and 18, the Examiner only points out that Deo's structure in columns 10 and 11 for setting a terminal before identification (when a transaction is generated) is similar to the present invention (page 3, item 4 of the Office Action). Deo in column 10, lines 42-67, discusses, "preferably, the security levels are established based upon the type of terminal."

However, in contrast to Deo, the claimed present inventions is directed to, "A personal identification terminal" that provides "***selecting one of the plural identification ~~means or one of the identification levels~~ conditions in accordance with identification ~~means/level~~ condition setting information that is received from a server every time when receiving a request for identification from the server,*** wherein the identification condition setting

information includes ***a digital signature for detecting an alteration thereof***." See, page 3, line 23 to page 5, line 3 and page 10, lines 9-21 of the present Application. In other words, in the claimed present invention, identification conditions are selectable by a personal identification terminal according to identification condition setting information received from a server ("***selecting one of the plural identification ~~means or one of the identification levels~~ conditions in accordance with identification ~~means/level~~ condition setting information that is received from a server every time when receiving a request for identification from the server***"). A benefit is that identification conditions to be used is designated according to an instruction from a server (see page 3, line 23 to page 4, line 6, of the present Application). The claimed present invention utilizes a technique of using a plurality of identification means and/or levels of biometrics that can be combined variously as a precondition. A benefit of the claimed present invention is to improve security and reliability of personal identification in a personal identification terminal by providing a device and a method in which identification means and/or levels can be set and changed according to a server instructions, and ***it is ensured that the identification conditions of identification means and/or identification levels have been set and utilized for identification according to the server instruction*** to prevent unauthorized usage (see page 4, line 20 to page 5, line 3 of the present Application). In other words, the server can confirm whether the personal identification was performed correctly as instructed by the server.

Therefore, Deo fails to disclose or suggest the claimed present invention's, confirming (ensuring) the utilized identification means and/or level by "means for ***sending to the server used condition information*** that indicates one of the identification conditions, which was ***used by the personal identification terminal for the identification, in a format enabling detection of an alteration thereof together with a result of the identification***," (claim 1). Support for the claim amendments can be found, for example, in page 4, line 20 to page 5, line 3 of the present Application. In other words, Deo fails to disclose or suggest the claimed present invention's structure of sending utilized condition information that indicates one of the identification conditions (identification means and/or levels) that was used for the real identification from the terminal (client) to the service provider (server). It is readily apparent that such a structure of the claimed present invention is advantageous for security and reliability of the personal identification over Deo and LeBourgeois.

2. Difference between the present invention and LeBourgeois

LeBourgeois is used as a reference for denying patentability of claims 8, 10, 11, 13, 15 and 16. In particular, LeBourgeois discusses a process of deciding a certification result is negative when the number of retrying times is larger than a predetermined value (column 12, lines 3+, relied upon in page 5 of the Office Action). However, LeBourgeois fails to disclose or suggest a structure of the claimed present invention as discussed above.

More particularly, in contrast to Deo and LaBourgeois, the claimed present invention as recited in independent claim 13 provides:

> 13. (CURRENTLY AMENDED) A server that is connected to a personal identification terminal including a plurality of identification conditions including identification means and identification levels that are selectable for use, the server comprising a programmed computer processor controlling the server according to a process comprising:
>
> ***sending to the personal identification terminal identification condition setting information for designating one of the plural identification conditions*** of identification means and identification levels ***every time a request for identification is sent from the server to the personal identification terminal***;
>
> ~~a score log storing portion for~~ ***storing a log of a score or a hash value of the score that was added to information of a result of identification, according to the sending of the identification condition setting information,*** received ***from the personal identification terminal***; and
>
> ~~a processing portion for~~ deciding that identification is ***failed when the same score value continues several times in accordance with the read log of the score or the hash value of the score*** ~~read out of the score log storing portion~~ despite the result of the identification received from the personal identification terminal (emphasis added).

Support for the amendments to claim 13 can be found, for example, in page 10, lines 9-21 and page 14, line 12 to page 15, line 15 and FIG. 4 of the present Application.

In view of the claim amendments and remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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